

**IN THE HIGH COURT OF TANZANIA  
AT DAR ES SALAAM**

**CIVIL APPEAL NO. 199 OF 2002**

**MBIU MGAMBO MBIU.....APPELLANT**

**VERSUS**

**ILALA MUNICIPAL COMMISSION.....RESPONDENT**

**ORDER**

This appeal was set for hearing today but the appellant has not appeared. Mr. Njiwa learned Advocate for the respondent has told this court that the appeal was filed in this court in the year 2002 but for most of the time since there, the appellant has not appeared in court to prosecute the appeal. For this reason, he has prayed that this appeal be dismissed for want of prosecution.

I cannot but agree with Mr Njiwa that the appellant his failed to appear to prosecute his appeal. The record shows that the appellant last entered appearance on 7/6/2004. Since then the appeal has come up on 20/8/2004, 21/10/2004,24/3/2005, 19/8/2005, 15/9/2005 and on 10/4/2006 without the Appellant appearing. On 10/4/2006 the Appellant appeared before this District Registrar and in the attendance of Mr. Njiwa, the District Registrar set the appeal for hearing today, but the appellant being aware of the hearing date,

has failed to appear. This appeal is accordingly dismissed for want of prosecution. The respondent will have the costs.

  
**J.I. MLAY**  
**JUDGE**

**18/07/2006**